P.W (194) Department.

M.S SERIES.

G.O. No. 1572 dose

Dated 5. 6. 1946

[Despatch Abstract.]

Lighthouses South Kanara Udupi Taluk - Land attached to Kaup lighthouse Acquisition Govt of India letter Communicated.

Revenue Department

Subject.

Land and Buildings - (South Kanara) - Udipi Taluk - Padu village - Kaup Light House - S.Nos.76/1, 2, 9 and 76/10-A - Ownership - Transfer to Government of India - proposals submitted.

Ref. No. E. 2948/45-2

Station: Madras Dated 20th November 1945.

From

G. Venkateswara Ayyar, Esq., I.C.S.,
Secretary, Board of Revenue.

W. Scott Brown, Esq., CSI., CIE., ICS.,
Commissioner of Land Revenue.

Read:-

Letter from Sri Rao Bahadur P. Ramadoss, B.A., Collector of South Kanara, No.D.Dis. 6384-45 dated 1-9-1945.

Land and Buildings - (South Kanara District) - Udipi taluk - Padu village - Kaup Light House - S.Nos. 76/1, 2, 9 and 76/10A.

The quarters of the Light House keepers of Kaup Light House in Udipi taluk are situated in S.Nos.76/1, 2, 9 and a portion of S.No. 76/10 of which the first three plots were vested in the Central Government in G.O. No.Ms.2176 P.W.D. dated 15-10-40 communicated in B.P. Mis.2941 dated 23-10-40. S.No.76/10 is a private land registered in the name of Naga Brahma Dev temple which has been paying the assessment due on it all along. The portion occupied by the Light House Department is marked S.No.76/10A in the eye-sketch enclosed and its extent is about 50 cents. It contains a portion of the building occupied by the II Assistant Light Keeper, a pond, a palmyra tree (aged about 30 years), a tamarind tree (about 30 years old) and a well. The Building and the well are said to have been constructed by the Light House Department. The value of the land under occupation is estimated at Rs.70/-. The present trustee of the Naga Brahma Dev temple claims this portion on behalf of the institution or in the alternative requests to be paid a reasonable compensation for it. The circumstances under which the land belonging to the institution came into the possession of the Light House Department are not known. In this connection, I invite the Board's Ref. No.B.988/37-2 dated 7-10-37. In their letter M.S.2166 P.W.D. dated 26-10-1937, the Government in the P.W.D. Department remarked that though there was a remote possibility of the title of the Department being questioned by the temple authorities, it was doubtful whether such a claim would be made. Now that there is a claim for the plot from the present trustee of the institution, the Government in the P.W.D. may kindly be apprised of it and the question of payment of compensation may be considered if the claim is not time-barred or otherwise inadmissible.

II.

Letter from Collector of South Kanara, No.D.Dis.10701-45 dated 17th October 1945.

Land and Buildings -(south Kanara Dt.) - Udipi taluk - Padu Village - Kaup Light House - S.Nos. 76/1,2,9 and 76/10A - Ownership -Report.

Board's Ref. No. E. 2948/45-1 dated 14-9-45.

The Tahsildar of Udipi taluk reports that the assessment on

S.No.76/1A is being paid by the petitioner, Pardeshi Guruvara, the present trustee of the Institution and his predecessors-in-title for the last over 30 years, though it is not possible to say exactly the year from which it is being paid.

2. The value of the land as already reported in this office D.Dis. 6384-45 dated 1-9-45 is Rs.70/-. The data for the valuation are given below.

The approximate annual rental per acre	-	Rs.8-0-0
Deduct annual assessment		1-4-0
Net		6-12-0
Capitalised at 5%		Rs.135-0-0 per acre
Value of the land under occupation (50 cents)		Rs. 67-8-0 or Rs. 70-0-0

3. The seigniorage value of the trees existing on the land is given below.

Palmyra tree one.	Rs.3-0-0
Tamarind tree one.	5-4-6
78" x 10' = 26.41 C. ft. at Rs.3/- per cart load (1 cart load is equal to 15 C.ft.)	
Total.	Rs.8-4-6

4. The land is assessed at Rs.1-4-0 per acre. The capitalised value of the abatement of land revenue on the area under occupation works out to Rs.15-10-0 (25 times the assessment).

5. One more sketch of the plot is enclosed.

REFERENCE: (No. E. 2948/45-2 dated 20-11-1945) -

Submitted to Government.

2. The Board requests that the Government of India may be addressed to accord their sanction for the acquisition of the land in question occupied by the Light House Department which is a trust property, being temple land.

N. Subramanian
20/11/45

for SECRETARY.

To the Secretary to Government, Public Works Department, (with a sketch).

VSK.20-11.

20/11/45

2/10/1 To 10-1-46 Judicially Gandhi 11/1/46

Letter No. 6937 F/45-2 d/. 9.1.46.

To The Secy to the Govt. of India,
Deptt. of Commerce,
New Delhi.

Lands & Buildings - S. Kanara.
Lands attached to the Kaup Light House

I am directed to invite a reference to this Govts letter No. 2166 P.W 3/26.10.1937, wherein it was stated that though there was a remote possibility of the title of the Lighthouse Deptt. in respect of S.No. 76/10 of Padu village S. Kanara occupied by the Kaup Lighthouse quarters being questioned by the authorities of the temple in whose name the land was registered, it was doubtful whether such a claim would be made. It is now reported that the present trustee of the temple claims the land on behalf of the institution or in the alternative requests to be paid a reasonable compensation for it. The Board of Rev suggests that the land be acquired for the Govt of India. A copy of its Reference No. E. 2468/45-2 d/20.11.45 and the original of the sketch mentioned therein are enclosed, the latter for reference & return.

The circumstances under which and the law on which the land in question came to be enjoyed by the Central Govt. are not known

the temple and his predecessors in title have been paying assessment on the land for over 30 years suggests that the land has all along been treated as a private land ~~but~~ now for the purposes of the central Govt; but not one governed by the provisions of Sec 172 of the G.o.I Act 1935. In the circumstances this Govt are inclined to the view that it is safe to acquire the land under the Land Acquisition Act as suggested by the Board of Rev. I am to ~~[illegible]~~ enquire whether the G.o.I. concur in this view and if so, to request that their sanction to the acquisition of the land may be communicated at an early date.

7.1.46

7.0.S. 9/1/46

8/1/46.

Ref No 2c 29 48/45-2 dtd 25-6-45 and one sketch

pay to the Board of Rev.

4/1/46

5 P. Wadgett

Letter No. 6937F/45.3 dt. 19.3.46.

1/1/21/3

VPP/TPD/SMD

To

The Secretary to the Govt. of India
Department of Commerce.

Sir,

Sub: Lands and Buildings South Kanara.
Lands attached to the Kanp Light House

I am directed to refer to this Govts
19.3.46 UF letter No. 6937 F/45.2 dated 9.1.46 on the above
Subject and to enquire when a reply may be
expected.

I have the honour to be,
Sir,
Your most obedient servant,

16/3/46

Dl
16.3.46

AIR
19/3/46

CONST. SECRETARY TO
14 APR 1946
F 1979

No.313-M.III(5)/46.
Government of India.
Department of Commerce.

New Delhi, the 10th April 1946.

From

B. M. Mehta, Esquire, B.A.,
Assistant Secretary to the Government of India,

The Secretary to the Government of Madras,
Public Works Department,
Fort St. George,
Madras.

Subject;- Lands and Buildings - South Kanara - Lands attached to the Kaup Lighthouse.

Sir,

fsp 3.4 annexé
p 5 annexé
A

With reference to your letter No.6937-F/45-2, dated the 9th January 1946, on the above subject and subsequent reminder thereto dated the 19th March 1946 I am directed to state that the matter has been referred to the Central Advisory Committee for Lighthouses for advice and a reply thereto will be given on receipt of their advice.

I have the honour to be,
Sir,
Your most obedient servant,

P.W.Dept

A above may be awaited till
0.5.1946.
Ref
D.u.ub
14.4.46
Ne
19.u.ub
L.e
M/

(B.M.Mehta.)
Assistant Secretary to the Govt. of India.

9 P.W. Deptt

36/17

Letter No. 6937F/45-4d/15.5.1946.

9

To The Secretary to the Govt. of India,
Department of Commerce

Dispd @ 20-5-46

5...

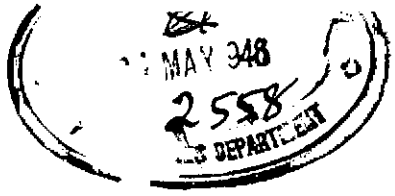
17.5

Subject:- Lands and Buildings, South Kanara - Lands attached to the Kaup Light House

I am directed to invite attention to Mr. Mehta's letter No. 313 M. III (5)/46 dated 9th April 1946 on the above subject and to enquire when a reply may be expected.

15/5/46. 16/15/5/46

1/2 dlc 15/5/46



No.313-M.III(5)/46.
Government of India.
Department of Commerce.

New Delhi, the 20th May 1946.

From

B.M. Mehta, Esquire, B.A.,
Assistant Secretary to the Government of India,

To

The Secretary to the Government of Madras,
Public Works Department,
Fort St. George,
Madras.

Subject:- Lands and Buildings - South Kanara - lands attached to the Kaup Lighthouse.

Sir,

With reference to the correspondence ending with this Department letter of even number, dated the 10th April 1946 on the above subject, I am directed to say that the Government of India have decided to acquire the land in S. No. 76/10 in Padu village in Udipi Taluk (South Kanara) for the Kaup Lighthouse at a cost not exceeding Rs. 70/- and to request that necessary action for the acquisition of the land may kindly be taken by the Government of Madras. The Superintendent of Lighthouses, Madras, is being asked to arrange for the payment of the amount.

2. I am to add that the original of the sketch mentioned in the letter from the Board of Revenue No. E.2948/45-2, dated the 20th November 1945, copy forwarded with your letter No. 6937-F/45-2, dated the 9th January 1946, was not received in this Department.

I have the honour to be,
Sir,
Your most obedient servant,

B.M. Mehta

Assistant Secretary to the Government of India.

13 P.W. Deptt B

36/5/b

S. Kanara – Udupi T.D.B.

Sub: Lighthouses [illegible] ached to Kanp
Lighthouse Acquisition. Govt. of India
letter Communicated.

Read again: G.O. No. [illegible] P.W. d/. 26.10.1937
" " .2176 d/. 15.10.1940.

Read also: From the Board of Revenue L. 4448/45.2
d/. 20. 11. 1945

Letter to the Govt of India, No 6937F/45.2
d/. 9.1.1946.

From the Govt. of India Commerce Deptt.
letter No. 313. M. III (5)/46 d/. 20.5.1946

ORDER 1572 dated. 5. 6. '46
Ms
I

A copy of the Govts of India letter No. 313 M. III (5)/46 d/ 20th May 1946 & deciding to acquire the land in S. No. 76/10 in Padu Village in Udupi Taluk (South Kanara) for the

pllr.

Kamp Lighthouse at a cost not exceeding
Rs. 20/- is communicated to the Board of
Revenue for necessary action.

27.5.46.

27.5.46

27.5.46

Copy to the Board of Revenue with copy of P.W.D. Memo. No. 2[illegible] P.W.D.

Copy to the Supdt. of L.H., Madras

Copy to the Govt. of India, Com. Dept.

[redacted]

P.W.D

Land and Buildings – S. Kanara – Udipi Taluk – Lands attached to the Kaup Light House – Ownership.

From the Board of Rev. Rc. No. E. 2968/65-2 d/20.11.65

The Boards reference on pp. 1-2 cf. relates to the ownership of the plot of land marked B C D E I J K L in the sketch on p 3 cf. which along with the contiguous land A B L K J I E F G H has been in the occupation of the Light House Deptt. In 1937, the Govt of India Commerce Deptt. assumed that no disputes regarding their title to the lands attached to the General Lighthouses in the Madras Presidency were likely to arise under the new constitution and enquired whether this Govt shared this view and would accept the title of the General Lighthouses + Lightships Deptt to the lands then attached to the General Lighthouses in the Madras Dt. In that connection the Collr. of S Kanara reported that the land registers of Padu village showed that the Kaup Lighthouse premises + residential quarters lay in S.No. 76/1, 2 & 9 [marked A B L K J I E F G H in the sketch on p. 3 cf.] and in patta land S. 76/10 part [marked B C D E I J K L in the sketch on p 3 cf.] registered in the name of deity Brahmaling Dev and that it was not possible to ascertain when the land belonging to the deity came into the enjoyment of the Lighthouse Deptt. The Board of Rev. then considered that it was the look out of the temple authorities to establish their claim if any to the portion of S.No. 76/10 which had been included in the compound of the Kaup Lighthouse. This Govt in their reply to India d/26.10.37 accepted the title of the Lighthouse Deptt to the above mentioned lands and to similar lands in other districts, but remarked that though there was a remote possibility of the title of the Deptt being questioned by the temple authorities

this Govt. doubted whether such a claim ~~not~~ would be made. Subsequently in 1940, the Board mooted the question whether this Govt. were not entitled to the land in S.Nos 76/1, 2 & 9 of the village [portion marked ABLKJIEFGH on p.3 ref]. In that connection ~~the~~ it was ~~stated~~ reported that the Kanyakumari Lighthouse and the other buildings on the S.Nos referred to had been built in 1901 that the sale proceeds of the cocoanuts of the Kanyakumari Lighthouse compound were being credited to the Madras Coast Lights Fund during the years 1925-1928 and that the administration of the Madras coast Lights including the Kanyakumari Lighthouse was transferred to the Central Govt on 1.4.1929.

2. The present trustee of the temple of the deity referred to above has put in a claim for the portion of S.No. 76/10 which is included in the Lighthouse compound. The Collector now reports that the assessment on the plot in question (Re. 0-10-0 p.a.) is being paid by the trustee and was being paid by his predecessors in title for over 30 years, though it is not possible to say exactly from which year it is being paid, and the collector suggests that the question of payment of compensation may be considered if the claim is not time barred or otherwise inadmissible. The Board suggests that the G.o.I. be addressed for sanction to the acquisition of the land.

3. Attention is in this connection invited to Sec 172 (1) of the G.o.I. Act 1935, according to which all lands & buildings which immediately before the commencement of Part III of the Act were vested in His Majesty for purposes of the Govt of India (not being purposes of the government of the Province), shall vest in His Majesty for purposes of the government of the Federation etc. If in view of "A" above the land in question can be deemed to have been "vested" in His Majesty prior to 1.4.1937, it seems that the trustee's claim cannot be allowed. The remarks of Revenue & Legal may be invited on the point.

1.12.45.

12/12/45 S./2.4 Legal — 8/12/45

Rev/Leg

P.W.D.U.-6937/45-1 13.12.45

17 DEC 1945

TOWS

Rev Dept

Please see the Reference from the Bd of Rev at pp.1-2 cf and the notes from p.1 ante.

2. The file has been sent to this department with reference to para 3 at p.2 ante. Attention is in this connection invited to the P.W.D note at pp 33-34 of Go No 2165-66 P.W.D dated 26-10-37 and this department's note at the bottom of p 34 of the same G.O. This department may thereon agree with the remarks of the P.W.D at A on p.2 ante. ~~The file may be passed on to Legal~~. It is open to the temple authorities to lay their claim before the Govt of India or a Court of Law.

The file maybe passed on to Legal.

20-12-45

26/12/45 The Central Government are occupying S.No.76/10-A of Padu village. This is a private land measuring 50 cents ~~and~~ registered in the name of a temple. The temple trustee is paying the assessment. ~~on the land~~. He now claims that the land should be returned to him or that he should be paid compensation for it. The Government apparently cannot prove any title to the land. Legal will say whether the Revenue Department note at the bottom of p.34 of (Q) stating that the land vests in the Government of India is correct. If so, this department may agree with P.W.D. that the trustee's claim cannot be allowed. If not, it will be better to acquire the land on behalf of the Central Government as proposed by the Board, & pay compensation to the trustee. If the land vests in the Govt of India, then the registration will have to be taken up, & the payment of assessment will also have to be considered, as the trustee cannot be expected to continue to pay it.

p1 cf

B in p2 cf

A in p1 cf

(Q)

(Q)

ASSISTANT SECRETARY I
28 DEC 1945
LEGAL DEPARTMENT.

21/12/45. S

26/12/45

Legal

Legal Department.

Section 172 of the Government of India Act, 1935, applies only to lands and buildings which immediately before the commencement of Part III of the Act were vested in His Majesty for purposes of the Government of India. The circumstances under which and the terms on which the lands in question came to be occupied by the Central Government are not known. It is seen from the correspondence on the file that the tahsildar has reported that the present trustee of the temple and the predecessor in title have been paying assessment on the land for over 30 years. This suggests that the land has all along been treated as a private land but used for purposes of the Central Government. In the circumstances it is safer to acquire the land in question on behalf of the Central Government under the Land Acquisition Act as suggested by the Board of Revenue before taking such action the Government of India may be consulted.

31.12.45 P.W.D. Legal. 0806 171 31-12-45

P.W.D

ASST. SECRETARY TO GOVERNMENT 31 DEC 1945 7661 PUBLIC

J. A.S.

The notes of the Rev. & Legal Depts from p. 3 ante may be perused. With reference to A above, a draft letter to India is submitted for approval.

7.1.46

7.1.46 7.1.46 S 8/1/46

Issued as letter No. 6937 F/45. 2 dt. 9.1.46 from the Govt. of India Com. Deptt. No. 313 M III(5)/46 dt. 20.5.1946 p 11 ff

Jt A.S.

The Govt. of India has to acquire the land in S. No. 76/10 in Padu Village in Udupi Taluk at a cost not exceeding Rs. 70/- and requests this Govt. to take action for the acquisition of the land. A draft Order is submitted. Rev. may see hereinside.

27.5.46 27.5.46 28/5/46 Rev

Govt. Letter No. 6937 F/45 28/5/46

ASSISTANT SECRETARY TO GOVERNMENT 28 MAY 1946 REVENUE DEPARTMENT

Revenue Dept.

To U.S.

This Dept's previous note is at p. 3 ante. The subsequent notes at p. 4 ante and the draft order below may be perused and the file returned to P.W.D.

No. 2809 F
4.6.46

31/5/46

1.6.46

3/6/46 PW

No. 2065 F/46-1
3-6-46

Why was it sketched with red by mistake by Govt of India?

Issue
4/6/46 S

11/6/46

Sd/- Lyons 4.6.46

13.6.46

[Issued as G.O. No. 1572-P.W.-dl. 5.6.1946]

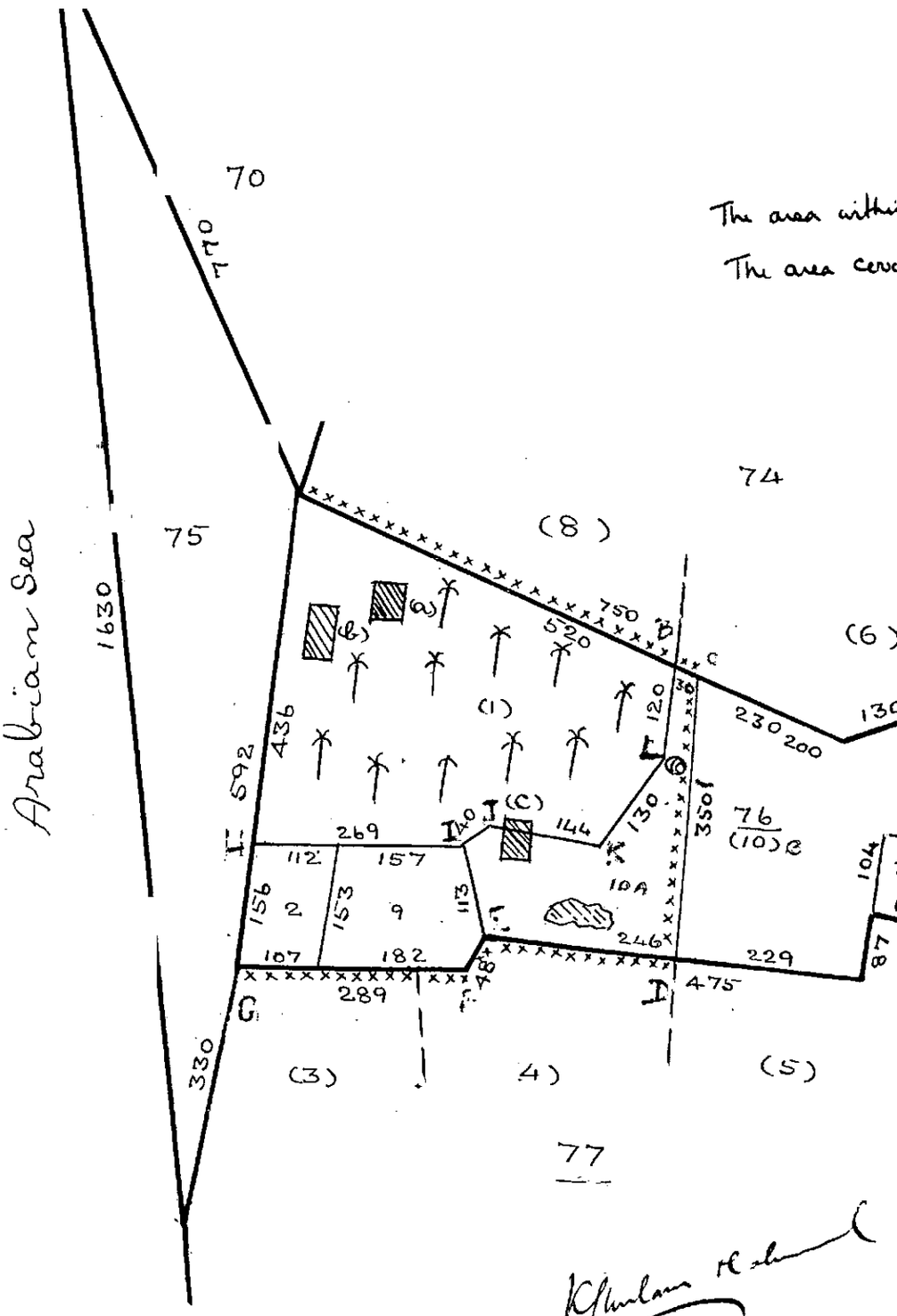
H. Gribble

District S. Kanara

Taluk Kaup

Village { No.
Name

Field No 76
1.2.9.10



The area within
The area cove

K Shankara Rao

For Collector

3/12.1045

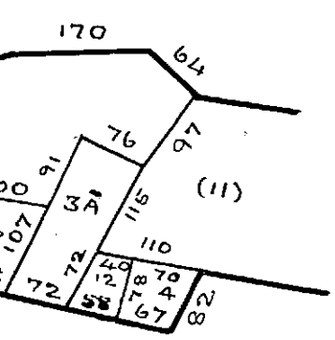
Prepared Copy of Thimmi Rama Shirup
Draftsman
18/10/45

Scale 1/2 inch = one chain

Padu

S.No. + Sub div. no		Kissan	Patta no + name of the Pattadar	Remarks
75		Dry	Assessed waste	2 90 acres
76	1			
	2		Kanyakumari Light House keepers quarters and compound	
	9			
	10A		75 Nagabrahma God.	In the enjoyment of the Kanyakumari Light House Keepers
	10B		75 Do —	
	3A			
	3B		193 Munsa Marakala	
	11		75 Nagabrahma Devasam	
	12		71 Rukku Marakalthi	
	4		70 Dyamu Marakalthi + Boggu Marakalthi	
	(a)		Head Light Keepers quarters	
	(b)		Asst.	
	(c)		2nd asst. — Do —	
			Tank in the enjoyment of 2nd Light Keeper	
			Cocoanut trees.	
			Well.	
	xxxxx		Mud enclosure	
74	8		202 Janardhana Swamy Devasthanam	
	6		17 Munju + others.	
77	3		70 Dyamu Marakalthi + Boggi Marakalthi	
	4.		71 Rukku Marakalthi	
	5		Poramboke Burial ground	

the compound walls A.C 2.50
1.97



Sd M. Sayad Mahmad
22.11.39
R.I. Kanyakumari.